

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TODD FENER,)	No. 04-cv-12375-RCL
)	
Plaintiff,)	<u>CLASS ACTION</u>
)	
vs.)	
)	
ASPEN TECHNOLOGY, INC., et al.,)	
)	
Defendants.)	
)	
<hr/> RICK STOCKMASTER, Individually and On)	No. 04-cv-12387-RCL
Behalf of All Others Similarly Situated,)	
)	<u>CLASS ACTION</u>
Plaintiff,)	
)	
vs.)	
)	
ASPEN TECHNOLOGY, INC., et al.,)	
)	
Defendants.)	
)	

AFFIDAVIT OF THEODORE M. HESS-MAHAN IN SUPPORT OF THE OPERATING ENGINEERS CONSTRUCTION INDUSTRY AND MISCELLANEOUS PENSION FUND (LOCAL 66) AND CITY OF ROSEVILLE EMPLOYEES' RETIREMENT SYSTEM'S MOTION FOR CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF AND FOR APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD AND LIAISON COUNSEL

I, Theodore M. Hess-Mahan, affirm as follows:

1. I am an attorney duly licensed to practice before all of the courts of the State of Massachusetts. I am an associate with the law firm of Shapiro Haber & Urmy LLP, proposed liaison counsel of record for proposed lead plaintiff in the above-entitled action. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. Attached are true and correct copies of the following exhibits:

Exhibit A: Chart of Movants' Purchases and Losses;

Exhibit B: Sworn Certifications of Operating Engineers Construction Industry and Miscellaneous Pension Fund (Local 66) and City of Roseville Employees' Retirement System;

Exhibit C: Notice of pendency of class action published on *Business Wire*, a national, business-oriented newswire service, on November 9, 2004;

Exhibit D: Firm resume of Lerach Coughlin Stoia Geller Rudman & Robbins LLP; and

Exhibit E: Firm resume of Shapiro Haber & Urmy LLP.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 10th day of January 2005, at Boston, Massachusetts.

/s/ Theodore M. Hess-Mahan
THEODORE M. HESS-MAHAN

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by mail on 1/10/05

/s/ Theodore M. Hess-Mahan

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